App.F.J.K-4

1927-8. File No. 8-27

Previous References (R.A.)
R.A 55-26-(1 to 12) Serial Nos. 1-2.

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-2.

Pz 12-E **Part B for** September 1927.

SUBJECT

Petition of Mr. V. Durappa praying for the dismissal of the objection petition against his election from the Chamber's Association filed by Mr. Karnick Krishnamurthy Rao

2) To Mr. V. Durappa, Bangalore city
Rel 203 B 30.9.1927.

With reference to his petition (Sl) 29.8.1927 praying that the objection petition against his election filed by Mr. Karnick Krishnamurthy Rao in the Court of the D.C. Bangalore, on the ground of want of jurisdiction, I inform that Govt cannot interfere with the order of the D.C. at this stage.

Guruprasad
1.10.1927.

G. R. S. 11]

1927-28

GENERAL AND REVENUE SECRETARIAT.

(RA)

NOTES.

File No. 8-27

FILE HEADING.

Petition of M. Surappa RA Member praying for the dismissal of the objection petition filed by Mr. Kamath Election Petition No. 7 of 26-27 re: election from Mandur Assembly Constituency to the Dy Comr Bangalore on the ground of want of jurisdiction.

From Mr. M. Surappa RA Member, 1st Grade pleader Bangalore city

No. Petn Dated 29.8.27 Received 1.9.27

Diary No. 21 RD	Enclos.	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Prays for reasons stated in the petition that Govt may be pleased to send for the entire records in election case No. 7 of 26-27 before the Dy Comr Bangalore & direct the dismissal of the objection petition filed before him (Dy Comr) on the ground of want of jurisdiction.

NOTES AND ORDERS.

Submitted.

The petitioner states that the Dy Comr has no jurisdiction to entertain the objection petition or to pass any decision thereon.

& that the petition, if at all maintainable in law is barred by limitation.

NOTES—First Sheet.

App. F. III—2]

General and Revenue Secretariat.

File No. 8 of 1928

Serial No.

He rests his contention on the following points:—

(1) That the Mysore Mandars' Assocn is a single Assocn representing the special interests of the Mandars in the State, & whose accredited deputies & members the RA has been recognised under the Mysore RA Regn.

(2) The election of its member is not governed by the provisions of the Law relating to "direct election" As in accurate phraseology the Assocn deputes its member, rather than elects him.

(3) The choice of a member by the single Assocn to represent it in the RA is a matter exclusively relating to the internal management of the Association

(4) All matters, such as the fee of membership &c, are left entirely to the decision of the Assocn

(5) There is no provision of law or rule, authorising the Govt to interfere in any manner with the procedure adopted by the Assocn in the election of its member.

NOTE—Contn. sheet.

WD 2253—GPB—10,000—4-5-27

General and Revenue Secretariat.

R.A. File No. 8 of 1927-28

Serial No.

(6) Every election other than that made by a single association organised & conducted exclusively by Govt.

(7) Rules printed on P. 88 Vol I of R.A and L.C Manual, are not applicable to the election in question as there is no provision in the rules.

(8) & (9) The rules relating to the conduct of elections to the R.A from rural and urban constituencies are not applicable to the election from other constituencies.

(10) The expression "any election" in the opening para. of No. D2400/deptt/12-23 dtd. D7.11.23 is used in a restrictive sense, & does not obviously mean every election. We therefore pray that the entire records of this case, be called for & the objection petition filed before the Dy Com. Bangalore may be dismissed on the ground of want of jurisdiction.

Submitted. The objection petition was filed before the Dy Com. Bangalore on 7.6.27 & it is still being heard by him & has not been finally disposed of. According to paragraph 4 of the petition the case has been posted for the recording of

NOTE—Contn. sheet.

WD 2293—GPB—10,000—4-5-27

(4 21 Rel

A[illegible]. F. III—2]

General and Revenue Secretariat. | RA File No. 8 of 1927.

Serial No.

evidence -
It seems therefore necessary to ~~wait~~ wait till the ~~case~~ petition is completely heard by the Dy Com. Bangalore & his decision known in the matter & submitted for orders.

8/9/27
8.9.27

There is no provision in the Rules for Govt to interfere with the orders of the Dc. passed as interim.

Govt cannot therefore entertain the petition at this stage.

17/9

Genl Secy.

I agree. There is just one thing on which the petr can appeal to Govt. He may await the decision & then appeal if he likes.

17/9

III Member

17/9

I agree

20/9 RG 20/9.

OFFICE OF THE SECRETARY
28. SEP. 1927
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

OFFICE OF THE THIRD MEMBER OF COUNCIL
19 SEP. 1927

NOTE—Contn. sheet.

WD 2293—GPB—10,000—4-5-27

App. F. [II—2]

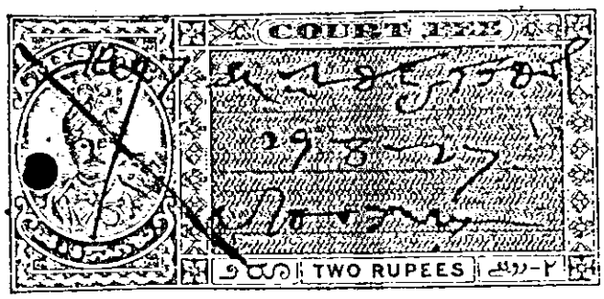
(5 21/E.L

General and Revenue Secretariat. | QA File No. 8 of 1927.

Serial No.	
	Draft submitted for approval 29/9 BR 29.9.27
	Slightly revised done 29/9
2	To mr. V. Surappa, Bangalore No. 203 S 30.9.1927. Supra with. refer this section S 29.8.27 (sl) informs that the order of the D.C. cannot be interfered with at this stage. OB 30/9

NOTE—Contn. sheet.

WD 2293—GPB—10,000—4-5-27



OFFICE OF THE SECRETARY
1. SEP. 1927
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE, BANGALORE.

(Representative Assembly and Legislative Council Section).

Election Revision Petition No. of 27-28.

Mr. N.Surappa, Inamdar and 1st Grade Pleader, Ulsoorpet, Bangalore City. — Petitioner.

versus.

Mr. Karnick Krishna Murthi, Inamdar Basavangudi, Bangalore City. — Opponent.

The petitioner abovenamed respectfully begs to submit as follows:--

1. The petitioner has been returned to the Representative Assembly as the successful candidate in the election made on 28th May 1927 by the Mysore Inamdar's Association, a single association (with no branches) representing the special interests of Inamdars in the Mysore State. His name has been duly notified in the Mysore Gazette dated 2nd June 1927.

2. The opponent who is the unsuccessful candidate has on 7th June 1927 presented a petition before the Deputy Commissioner, Bangalore, questioning the petitioner's return on various grounds.

3. The petitioner has been resisting the opponent's said petition on two preliminary

grounds (excluding those relating to the merits) namely:--

(i) The Deputy Commissioner has no jurisdiction to entertain the petition or to pass any decision thereon.

(ii) The petition under consideration, if at all maintainable in law, is barred by limitation.

4. After hearing the arguments of the petitioner's counsel on the above two points, the learned Deputy Commissioner has on 6/8/27 posted the case for recording evidence, thereby implying his disapproval of the petitioner's preliminary contention. No written order is passed.

5. The petitioner ventures to submit that the learned Deputy Commissioner's view, namely, that he has jurisdiction to go into the question and that the petition under consideration is not barred by time, is erroneous and contrary to the rules framed on the subject.

6. The procedure now adopted in the case has given room for unnecessary prolongation of expensive litigation and waste of public time. Further, the points involved for determination, being of general importance relating to the political status of single Associations representing special interests, the petitioner has thought fit to submit the present petition for consideration of the Honourable Government.

7. The petitioner begs leave to rest his contention on the following materials, ~~namely~~ namely:--

(1) The Mysore Inamdar's Association is a single association representing the special interests of the Inamdars in the State. It is a registered body whose desire to depute its member to the Representative Assembly has been recognised under the Regulation of No.XVIII of 1923.

(ii) Representation of the Association at the Representative Assembly, being thus more essential, than the method adopted to the securing of it, the election of its member is not governed by the provisions of law relating to "direct election.". In accurate phraseology the Association deputes its member, rather than elect him.

(iii) The object of the Regulation No. XVIII of 1923, being to provide opportunities to the people of the State for training themselves in administrative matters, the internal management of the Association, is not ordinarily interfered with by Government authorities. The petitioner submits that the choice of a member, by the single Association to represent it in the R.A., is a matter exclusively relating to the internal management of the Association.

(iv) All matters, such as the roll of membership, the date and time of meeting, the preparation of the list of competing candidates, the appointment of the polling officer &c., in regard to the election to the R.A. are left entirely to the decision of the A~~ssoci~~

of the Association (vide official memorandum page 28 Vol.II Representative Assembly Manual).

(v) There is no provision of law or rules, authorising the Deputy Commissioner, to interfere in any manner with the procedure adopted by the Association in the election of its member.

(vi) Every election other than that made by a single Association is organised & conducted significantly by Government.

(vii) Rules printed on page 88 Volume I Representative Assembly Manual, are not applicable to the election in question, inasmuch as there is no provision, subjecting the said election to any of the said rules. The rules framed by Government under ~~Sub~~ Sec 6 Clause 1 sub clause (f) of the Regulation No.XVII of 1923 regarding the final decision of doubts and objections as to any election are not made applicable by any known rule to the election by single association.

(viii) In the case of special interests, it is only the elections made by constituencies, for legal interests, Associations with branches and the Mysore University, that have been expressly allowed to form the subject-matter of disputes before the Deputy Commissioner. (Vide pages 10 & 11; 19 to 21; 35 & 36; of Vol.II of the R.A. Manual).

(ix) Each and every rule in regard to the conduct of elections to the Representative Assembly, from rural and urban constituencies, is not applicable to the elections from other constituencies. (Vide No.P.3917 Legis.12-23-19 dated 15th Jan.1924 page 29 Volume II).

(x) The expression "any election" in the opening para of No.P.2400-Legis.12-23-7 dated 7th November 1923 on page 88 Volume I is "by context or subject matter ~~therefore construed to have been~~ used in a restrictive sense, and does not obviously mean every election in view of what is stated in the paras above. It is also to be observed that Legislation has employed the expression "all" (Vide page 30 Volume II) wherever it was intended that any rule to be made applicable to each and every kind of election.

8. The starting point for limitation to file any objection petition is the date, on which the Polling officer declared the result of election, under Form V page 19 Volume II, and not the date of Government Notification for publication in the Gazette.

Wherefore the petitioner humbly prays that the Hon'ble Government may be pleased to send for the entire records in Election Case No.7 of 26-27 and direct the dismissal of the opponent's objection petition filed before the Deputy Commissioner, Bangalore on 7th June 1927 on the ground of want of jurisdiction.

Venkatta

Petitioner,

29th August 1927.

BANGALORE.

APP. F. VI. Gl.]

SUBJECT.....

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6.

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Section RA

File No. 8-27

Serial No 2

No. R Elc. 203/R.d

Diary No. of letter replied to 21 Rel

General and Revenue Secretariat

(RA)

the *192*

To

Mr. N. Swappa,

RA Member & 1st Grade

Pleader Sankalpet

Bangalore City

Date of issue 30/9/27

Signed by Mr. T. S

With reference to his petition dated 29.8.27 praying that orders may be issued directing the dismissal of the objection petition filed by Mr. Kanuk Krishnamurthi Rao, before the Deputy Commissioner Bangalore ~~Dr. Mr. Rao~~ from the Inamdars' Association, on the ground of want of jurisdiction, Mr. N. Swappa is informed ~~that he may~~

regarding the election of a member to the ~~to~~ Repve Assy.

List of enclosures.....

Copied by.....

Examined by.....

over

await the decision of the
Deputy Commissioner in the matter
& then prefer an appeal to
Government if ~~he likes~~ necessary.

Secretary.

By order

Secretary to Govt
Law Department.

that the order
of the Dy. Commr.
be interfered with
at this stage.

G.R.S. III—31

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

The contentions of the petitioner are not valid. The only contention requiring any examination is that made in sub-paras (VII) to (X) of para 7 of the petition. In the rules prescribed on pages 28 and 29 of Vol. II it is not stated that doubts and disputes as to the validity of any election held under the rules shall be decided in accordance with the rules published with notification dated 7th November 1923. The absence of such a rule in the rules prescribing the manner of holding election cannot bar the application of the rules issued under notification No.P.2400/Legis.12-23-7 dated 7th November 1923 with regard to the decision of doubts and disputes as to the validity of any election to the Representative Assembly. The intention in clearly specifying in the ~~xxxxxx~~ sets of rules prescribed for elections in each constituency is to specify the modification, if any, in the general rules made for decision of doubts ~~are of~~ or to indicate for easy reference the rules under which the disputes etc. have to be decided.

Another point which may perhaps require consideration in connection with the petition is that it is not clear —

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

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under what provision of law the petitioner has approached Government to interfere with the proceedings of the petitioner. The petitioner has only a right of appeal from the decision of the Deputy Commissioner. The Deputy Commissioner ~~has~~ not having as yet given any decision the application does not appear to be entertainable at all.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.